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2006 Annual Report

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Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT
COMMISSION ON INDIAN AFFAIRS

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor
Jane Wallis Gumble, Director, DHCD ♦ John Peters, Jr. Executive Director

March 6, 2007

Dear Governor Romney.

On behalf of the membership of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for the year 2006. The report is a comprehensive overview of the Commission's programs, works in progress and activities during the calendar year. We have also reported on Native events that have occurred that maybe relevant to the status of Native communities.

This past year we continued our focus on being more responsive to the issues and needs of the Native American population in the Commonwealth. Efforts were particularly concentrated on the planning of an Institute for New England Native American Studies at UMASS Boston. We are excited with the possibilities of bringing Native Communities together with academia for purposes of community and social development, with an added benefit of youth exposure and encouragement to pursue higher education.

Preliminary approval to federally recognize the Mashpee Tribe provides hope for new economic development opportunities for the Tribe and the Commonwealth.

We appreciate your support of the Commission and its activities as we strive to fulfill our legislative mandate by working on behalf of our people.

Respectfully,

A handwritten signature in black ink, appearing to read "John Peters Jr.", written in a cursive style.

John Peters Jr.
Executive Director.

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Year 2006 Commissioners



Maurice L. Foxx, Chairperson, is a member of the Mashpee Wampanoag Tribe. He earned a degree in Mechanical Engineering at Northeastern University. In 2002, he retired from Faneuil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Chairman of the Mashpee Wampanoag Tribal Museum restoration Committee where he was instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag

Indigenous Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. A few years ago, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

Janice Poodry Falcone grew up on the Tonawanda Seneca Reservation in upstate New York. She has lived in Massachusetts for over 40 years and has worked at the North American Indian Center of Boston and the Boston Indian Council since 1975. A former public school teacher, Janice taught electronics courses at the Indian Center before becoming the Director of Employment and Training. Her goal has always been to assist Indian people to a better life for themselves and their families.



Although her father was a Sachem chief of the Seneca Nation for 40 years, Janice is a member of her mother's Onondaga Nation turtle clan. Janice was appointed to the Commission on Indian Affairs in March of 1995. She continues to advocate for education and training opportunities for Native youth and adults.

Janice's most recent involvement has included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor. She currently is a member of the council's workgroups advocating on a National level to encourage opportunities for the advancement of Indian communities. A mother and grandmother Janice has had the honor and privilege of working with and for the Indian community for many years. She continues to enjoy the accomplishments of many Indian people.

Cheryll L. Holley is a Nipmuc from Worcester, MA. She became a member of the Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. She holds a BA in History. The mother of three school-age daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. She serves on different committees for the Nipmuc Nation including chair of the Genealogy Committee.



TroyW. Phillips is a Nipmuc who was born and raised in Western Massachusetts where he also resides. An advocate of Indian issues for many years, Troy has represented the Nipmuc Nation on the "Boston Harbor Island Project." In 1997 he started "Ayeutean," a Native organization that provides knowledge, education and traditions of Eastern Native culture. As a traditional dancer, he travels throughout Indian country with his young daughter Anna.



After several years of college and serving in the U. S. Army, he now is a self employed home improvement contractor.

Troy was appointed the Commission on Indian Affairs in October 2003. His long term involvement with the Native communities and organization has proven beneficial in carrying out some of the Commission's goals and objectives for that region of the state.

Dr. Herbert R. Waters, Jr., was appointed to the Commission on Indian Affairs on March 24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U.S. Army.



Beverly Wright was appointed to the Commission in October 2000. As Chief Elected Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson, she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinnah Wampanoag Housing Authority.



Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.

Staff

John "Jim" Peters, Jr., Executive Director

Hired in May 2000, Jim has settled into his position as the Executive Director of the Commission. Prior to joining the Commission, Jim held a number of positions with New England Tribes, the most recent, a Career Development Counselor with the Mashantucket Pequot Tribe of Connecticut. He was the Executive Director for his own tribe, the Mashpee Wampanoag Indian Tribe on Cape Cod, and held the position of Tribal Planner and Tribal Programs Administrator for the Narragansett Tribe in Rhode Island. He also served as a Town Planner for the Town of North Kingstown in Rhode Island.

Jim earned a Bachelors Degree in Business Administration and a Masters Degree in City Planning. Aside from his employment and educational background, he has participated in many cultural, social, and historic Native American events that have taken place in Southern New England over the past 30 years.

Burne Stanley, Part-Time Administrative Assistant

Burne has been an integral part of the Commission since 1979 and has become a valuable asset to the office. Her positions with the Commission have ranged from full-time employee, to a volunteer, to a contract employee. She is now on-board as a part-time Administrative Assistant.....a position she has held since January 2001. Through her long association with the Commission, Burne has come to know and work with most of the tribes in the state and has developed valuable relationships with them.

Although her employment experience has been in Business Administration and in Accounting, Burne's educational background is in Communications, a field she majored in at Emerson College in Boston.

For over two and a half decades, Burne has attended and been involved with many of the social and cultural events in and around Massachusetts. This is her way of embracing and celebrating her Pequot/Mohegan ancestry. Native American cultural activities remain a part of her and her daughters' lives.

Purpose and Responsibilities

The Commission is charged with investigating problems that are common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it provides for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

Accomplishments & Work In Progress

Native American Institute: An Institute for New England Native Americans

Since the initial planning of the Institute in 2003, the Commission and the College of Public and Community Service (CPCS) approached this entity as a partnership. Many of the objectives and activities were developed around the unique innovative approaches in education that had been found in the UMASS-BOS CPCS distance learning curriculum.

During fiscal year 2006, meetings with the Provost and associated staff, as well as a closer look at the existing Institutes, helped us envision a much broader resource for the Native communities as a University-wide institute.

In July, the Commission co-sponsored with the UMASS Chancellor and the Provost offices a gathering of the New England Native communities to discuss the needs of their communities. A panel of tribal leaders shared their stories of past and contemporary needs of their communities and each provided their vision of their perceived future.

During the next few months, three research contracts were awarded to conduct studies in 1) Prospects for Development of Higher Education for Native Americans in New England; 2) Community Social and Economic Development Needs; and 3) Who are the Native Americans of New England (demographics). The results of these assignments as well as comments from the Native participants expressed need for more diversity in what subjects that the Institute could participate. Education, Health, Business and Policy Development were prevalent subject areas as was the interest in Native Studies.

Accordingly, a proposal to the Trustees was written in accordance with the Universities policies and procedures outlining the goals and objectives of the Institute. We await the Trustees decision to authorize the Institute.

Native Studies

During the spring semester of 2006 a class on "Contemporary Native Issues" was offered by the Universities' Anthropology Department. The Commission, using funds from a planning grant for the Institute from the Kellogg Foundation, contributed to the cost of guest speakers and a Native lecturer. Five Natives leaders from the region participated in a panel discussion on their tribe's contemporary issues.

Additionally, in April of 2006, Winona LaDuke, renowned Native activist and former Green Party Vice-Presidential Candidate, lectured at UMASS Boston on tribal sovereignty and her contribution to nation building through her White Earth Land Recovery Project on her Minnesota reservation.

The Commission also contributed and participated in the annual UMASS Boston Powwow organized and hosted by the Native American Student Association.

Federal Recognition

One of the last acts of the Clinton Administration was to grant Federal Acknowledgement to the Hassanamisco Nipmuc Tribe of Central Massachusetts. Within the first year of the Bush Administration that decision was reversed. Its sister Tribe, the Chaubunagungamaug, had also been denied acknowledgement. To date both Tribes have appealed those decisions to the Interior Board of Appeals. (IBIA 04-154-A) Objections to the appeals were submitted by the North Eastern Connecticut Council of Governments and the State of Connecticut Attorney General on: 1) procedural interpretations on typographical errors and 2) challenging the jurisdiction of the Appeals Board as it relates to making determination on evidence submitted by the petitioner. The Appeals Board denied the objections and set a hearing date.

The Mashpee Wampanoag Tribe of Cape Cod had been on ready for active consideration status since 1996. By 2001 the Tribe grew impatient with the long delays and successfully sued the US Dept. of Interior. The Judge ordered the BIA to move the Mashpee's to active consideration and render a preliminary determination in 6 months. The BIA was well on its way to make a decision on the Mashpee petition however the US Court of Appeals stayed the lower courts decision and sent the case back for reconsideration. On May 26, 2005 an agreement was reached that placed Mashpee back on Active consideration. March 2006 the Department of Interior issued a preliminary determination recognizing Mashpee as a Federal Tribe and in October of 2006 issued its final positive determination subject to a 180 day comment period. Mashpee officially declared its intent to pursue a gambling casino.

Hunting and Fishing

Most have heard the story of how Squanto showed the Pilgrims how to plant a fish with their corn seed to assure a strong bountiful harvest. That was in the 1620's and those fish were herring, a species that the Wampanoag and other indigenous people have revered for many a millennium.

For the first 3 decades of my life we celebrated, as did our ancestors before us, the signs of spring, when the herring came up the rivers to spawn, in such abundance that one could nearly walk across the river on their backs. The bays and rivers were black with herring and the community came together to harvest this special treat. The roe or caviar, as some call it, has always been a delicacy, particularly after a long winter of stored food. Of course there was the smoked, corned and pickled herring that was so good too, despite a few bones. Then there are the fish that feed on the herring, like the cod, blues and strippers all very good eating, the blessings of a New Year.

Well, things have changed. Over the past 15 to 20 years the herring stopped coming up the rivers as they always did. This concerned the Mashpee's. Some thought it mirrored their own plight, and as such, to some it became a responsibility to protect the herring's journey to the pond to lay their eggs and continue that cycle of life.

Over the past 5 years there were a number of scuffles between Natives and enterprising fishermen who came to the rivers to fill their live bait tanks. It often became a police issue and there even was an attempt to regulate catch limits.

A state study in 2005 substantiated the Wampanoag concern citing consistent and dramatic depletion of herring stock, not only in Massachusetts but along the whole Eastern seaboard.

In January 2006 Massachusetts followed the efforts of other states such as Connecticut, Rhode Island, and Delaware, who declared a moratorium on harvesting herring for 3 years. It became illegal for all citizens to possess herring with the exception of the American Indians who assert their inherent aboriginal rights.

March of 2006 a conciliatory effort to express their concern regarding the condition of the fishery, the Mashpee's entered a memorandum of understanding (MOU) with the Massachusetts Department of Fish and Game. The MOU limited tribal harvesting of herring to certain rivers within the town and to report to the Marine Fisheries the amount of fish taken.

The Massachusetts Fish and Game, citing the 1983 Gay Head Land Claims Settlement Act, where their criminal and civil jurisdiction was negotiated to the state, challenged the Gay Head/ Aquinnah's Aboriginal Rights. This is a complicated and contentious argument that infringes upon tribal members traditional means of sustaining themselves. The Aquinnah have survived several millennia on this island due primarily to their relationship with the ocean. In today's world, from the common Native perspective, implications of fine print in agreements among governments have mattered little in their daily struggle to feed their families and keep a roof over their heads. Inherent rights of the people are part of their being and if respected as they have always been, in harmony, they cannot be sold or indiscriminately regulated. The Tribe and State came to an understanding that limited their fish taking to the Herring Run contiguous to tribal lands.

Native Graves

Its been over thirty years since Wampanoag people assumed some responsibility for the disposition of their ancestors, particularly those accidentally uncovered as a result of construction or other disturbances. From the late 1960's through the 80's and 90's the waterfront properties of Massachusetts were undergoing a massive development transformation. Building construction became the number one industry on Cape Cod and the Islands, the aboriginal homelands of the Wampanoag. Final resting places were being uncovered on a regular basis. In 1984 the Massachusetts Unmarked burial law was legislated, to provide authority and a defined process that incorporated the State Archeologist and the Commission on Indian Affairs. Over the years a number of protected cemeteries have been established throughout the state.

In 1990 the Native American Graves Protection and Repatriation Act (NAGPRA) was established and provided access to museum collections. While the Commission had previously established working relationships with some institutions to repatriate ancestors, this law initiated a new chapter. While most of the Commissions work had taken place in the eastern part of the state, the Connecticut River Valley had been another area of particular archeological sensitivity.

The navigable waters and fertile soils of the Connecticut River Valley brought early confrontations with European determination to colonize this area and the Natives

resolve to maintain their ancestral land. Major conflicts transpired with the Natives succumbing to weapon superiority, and pestilence. After thousands of years of habitation, those Natives that didn't perish were displaced to the north and west many finding refuge with other tribes such as the Mohicans, Abenaki and Schaghticoke. Nonetheless, the know tribes of this region ceased to exist as distinct tribal entities since the Turner Falls Massacre in 1675 and other military action through 1680. Around the early 1800's the CRV area attracted archeological amateurs and professionals for hobby and training in the field. Since that time a number of collections have been donated to noted institutions that we refer to as the Five Colleges being; Smith College, Amherst College, Hampshire College, Mount Holyoke College, and UMASS Amherst.

Prior to NAGPRA, and because the Tribes of this area had long since disappeared, the Massachusetts Historical Commission and the Indian Commissions, along with the Town of Deerfield and UMASS Amherst established a protected burial site in historic Deerfield to reinter ancestors held by the University.

In 2003 Smith College hosted a gathering of the Five Colleges, repatriation representatives of Tribes of Massachusetts, Rhode Island, Connecticut, the Stockbridge Munsee currently of Wisconsin and the Commission on Indian Affairs. The primary discussion was about their inventory, compliance with NAGPRA and cultural affiliation. As result of this gathering, an agreement among those colleges had been reached to work in unison to comply with the NAGPRA law.

The Five Colleges meeting was historic in that it brought tribal voice together to discuss the term cultural affiliation and the respectful disposition of Native ancestors remains, where the current existence of their descendents is in question.

Unfortunately the discussion became an example of how unilateral federal regulation at times can confuse the intent and lend cause for division over jurisdiction and authority. The meeting was adjourned with categorical division; federally recognized, state recognized; state agency and institutions.

In January 2006 Amherst College hosted a meeting of the associated tribes however it was not well attended. Those that did attend discussed options that included: 1) reinterring ancestors at an existing cemetery in Historic Deerfield; 2) and investigate possible sites currently held by one of the Five Colleges. Representatives of the federal tribes did not participate therefore decisions were not made.

The Narragansett Tribe, the Wampanoag Tribe of Gay Head/Aquinnah and the Stockbridge-Munsee Band of Mohican have claimed cultural affiliation however have not provided any detailed documentation or engaged in consultation to support this claim.

In 2006 the Springfield Science Museum repatriated to the Stockbridge-Munsee Band of Mohican, currently of Wisconsin, despite the objections of in the region as their traditional homelands were in the Western part of the state along the Hudson River.

The Commission proposed hosting a meeting among the tribes to discuss cultural affiliation and disposition of ancestors of the Connecticut River Valley, though the opportunity did not materialize in 2006.

Conference Attended

Director Peters and Chairman Maurice Foxx attended the United South Eastern Tribes (USET) conference in Vernon New York to participate in discussions on impending amendments to the Native American Graves Protection and Repatriation Act (NAGPRA) regulations, specific to cultural affiliation and custody of inventory for human remains and associated funeral objects. Another relevant topic presented by Tribal Historic Preservation Officers was the protocols used in the designation of sacred sites under Historic Preservation Section 106.

Watuppa Reservation

The Watuppa Reservation is assessed Real estate tax by the City of Fall River for the first time in 296 years.

In 1709 the original Wattuppa Reservation some 190 acres located in Fall River was deeded to local Indians by Capt. James Church. The purpose of this was in tribute for their assistance to the Colony during the King Phillip War 1675-76.

Over two and a half centuries the descendents eked out their subsistence thorough planting hunting and fishing on this somewhat isolated wood land. The 1859 Milton Earle Report, commissioned by the Massachusetts Senate, identified 16 families, with estimates of 75 people residing on the reservation.

Oral history describes the difficulty living on this reservation and that many reluctantly moved to New Bedford and Fall River to work in the Textile Mills, so they could feed their families.

In 1907 the City Fall River annexed half of the reservation under the guise of protecting the cities water shed. Descendents of the original Troy or Fall River Tribes continued to reside on the remaining half of the reservation. Ms. Viola Perry of was the last Wattuppa Indian that was born and raised on the reservation property and went on her spirit journey in the 1980's

Since her passing a number of efforts have been made to assert jurisdiction over this property:

In 1999 Attorney Albert Corliss filed a law suit in Land Court on behalf of the Seaconke Tribe, then on behalf of the Nemasket /Troy Tribes of the Southeastern Massachusetts area against the City of Fall River and Town of Lakeville.

The Commission received a number of inquiries from other clans and lineal decedents claiming a stronger relationship to this land than those filing the suit, felt it imperative to include those voices and participation in this legal action.

On October 31, 2001 a Historic meeting was held at the New Bedford Whaling Museum. The meeting was called by the Commission to discuss the impending law

suit, and as too who would be the rightful claimants of the Wattuppa Reservation in Freetown and Betty's Neck in Lakeville, Massachusetts.

At this meeting representatives of the Seaconke, Troy, Pocasset, Pokanoket, and other Wampanoag people spoke their minds and with their hearts, on the issue and resolved to the need to work together as a people if they are to have any chance of winning.

The January 25 2002 court denied the lineal descendents an opportunity to intervene and proceeded with the case. Chief Justice Peter Kilborn ruled on June 11, 2002 that the Seaconke Tribe of the Greene leadership had no standing in the two actions and both complaints were dismissed.

On January 1, 2005 the City of Fall River assessed a property value on the 95 acres and imposed its first tax in 296 years on the Wattuppa Reservation. In 2006 the Pocasset Tribe filed an appeal before the Massachusetts Appellate Tax Board.

Legislation

Four bills were presented to the Massachusetts Legislature during the 184 session relative to Native Americans: 1) House Bill 3528 proposes to increase the Indian Representation on the Commission on Indian Affairs by granting seats to those tribal groups that were issued a number on record with the United States Department of Interior Bureau on Indian Affairs recording their submission of a notice of Intent to Petition for Federal Recognition. The Commission testified in opposition to the bill as some groups submitting a notice of intent didn't have documented history in the state. 2) House Bill 3395 Relative to Issuance of certified Birth Records to Native Americans. The premise has been that the Indian racial designation was systematically eliminated from the record, and should be restored. The Commission opposed the Bill as its passage would enable a Native American Authority to determine Indian identity without specifying criteria for such an authority. 3) House Bill 3412 enabling a special commission to investigate the establishment of a new Logo and Moto for the Commonwealth. The Commission supported this bill as the regalia of the Native depicted are culturally inaccurate, and we take exception to the motto: "by the sword we seek peace, but peace only under liberty" the sword over the Indigenous head symbolizes a horrific colonial history of genocide and racism, imposed by a foreign people liberating the land and possessions of the Native Nations. 4) After 330 years the following proclamation was repealed in the 184th session: The Proclamation of August 30, 1675 - At a Council held in Boston, August 30, 1675

"The Council...Do Order, that all those Indians that are desirous to Approve themselves Faithful to the English, be Confined to their several Plantations under-written,...And that none of them do presume to Travel above one Mile from the Center of such their Dwelling, unless in Company with some English,...And in Case that any of them shall be taken without the Limits above said, except as above said, and do lose their Lives,...The Council do hereby Declare,...themselves wholly Innocent,...The Council do therefore Order, That after the Publication of the Provision aforesaid, It shall be lawful for any Person,...that shall find any Indians traveling...contrary to the Limits above named, to command them...or to kill and destroy them as they best may or can. By the Council"

Source: Narratives of the Indian Wars 1675-1699. Edited by Charles H. Lincoln. Charles Scribner's Sons. New York. 1913. Pages 32-33.

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Native American Tuition Waivers

Over the last two and a half decades, the Massachusetts Commission on Indian Affairs has assisted in the determination of eligibility of Native Americans in Massachusetts for tuition waivers at state colleges and universities. It is authorized by the Board of Higher Education to certify that individuals are of Native American descent and eligible for the tuition waiver. The Commission uses membership in a Massachusetts tribal group (tribe, band, or clan) that is acknowledged by the Commission as a legitimate, historical tribal group as a criterion for making recommendations about tuition waivers. In addition, the Commission uses official state and federal recognition status for issuing tuition waivers to individuals whose tribes are located outside of Massachusetts.

The student is required to fill out a one-page form and submit proof of acceptance to the college, proof of tribal membership, and proof of Massachusetts residency. Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified (by the Commission) as being Native American.

A number of students are taking advantage of the tuition waiver for the summer sessions. While not all of the colleges accept it for the summer, we have found a few of them that do. Some of them include Bridgewater State College; Bristol Community College; Bunker Hill Community College; Framingham State College; Holyoke Community College; North Shore Community College; U Mass/Boston; U Mass/Dartmouth; and Worcester State College.

We are happy to report that this year 133 Native American students benefited from the program.

Budget

The budget for fiscal year 2006 was \$198,520 which includes funds for the salaries for one full time and one part time employee, travel expenses for staff and seven Commissioners, unemployment insurance, administrative expenses & supplies, and re-interment expenses. Additionally, it included \$100,000 for the establishment of a Native American Institute at the University of Massachusetts Boston.



